

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7204

BILL NUMBER: HB 1212

NOTE PREPARED: Jan 4, 2009

BILL AMENDED:

SUBJECT: Nonpartisan School Board Elections.

FIRST AUTHOR: Rep. Brown C

FIRST SPONSOR:

BILL STATUS: As Introduced

**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: The bill provides standards for election of the members of the governing body of a school corporation on a nonpartisan basis. This bill provides that a candidate who violates the standards and is elected may be removed from office. The bill provides that a political party may not directly or indirectly campaign for or against a candidate for election to the governing body. It provides that a political party that violates this prohibition is subject to a civil penalty.

Effective Date: July 1, 2009.

Explanation of State Expenditures:

Explanation of State Revenues: *Court Fee Revenue:* If additional civil actions occur and court fees are collected, revenue to the state General Fund may increase. A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Civil Penalty:* Under the bill, violation of nonpartisan school board elections by a political party is punishable by civil penalty. The penalty amount may not exceed \$1,000 plus

investigative costs made by the county election board. Revenue from civil penalties is placed into local campaign finance enforcement accounts.

Removal from Office: A candidate in violation of the bill may be removed from office via the filing of an information with the court of jurisdiction by the county prosecutor if the prosecutor believes a candidate has usurped the office to which they were elected. Under the bill, there may be additional vacations of office via this provision in law. Although likely slight, courts could see a caseload increase as a result of the bill.

Court Fee Revenue: If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected:

Local Agencies Affected: County election boards, county prosecutors, trial courts.

Information Sources:

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